

Message Text

UNCLASSIFIED

PAGE 01 MANILA 08003 01 OF 02 051508Z

44

ACTION EB-11

INFO OCT-01 EA-11 ISO-00 COME-00 L-03 LOC-01 PA-04 PRS-01

USIA-15 CIAE-00 INR-10 NSAE-00 RSC-01 DRC-01 CU-05

HEW-08 /072 W

----- 019916

R 050924Z JUL 74

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 4951

UNCLAS SECTION 1 OF 2 MANILA 8003

E.O. 11652: N/A

TAGS: EIND, RP

SUBJ: COPYRIGHT - STATUS OF PRESIDENTIAL DECREE 400

A) STATE 129989 B) MANILA 7508

1. FOLLOWING IS TEXT OF RESOLUTION IMPLEMENTING PRESIDENTIAL
DECREE NO. 285 AS AMENDED BY PRESIDENTIAL DECREE NO. 400:

QUOTE

PURSUANT TO PRESIDENTIAL DECREE NO. 400, DATED MARCH 1,
1974, AMENDING PRESIDENTIAL DECREE NO. 285, DATED SEPTEMBER
3, 1973, THE COMMITTEE THEREUNDER CREATED AND COMPOSED OF
THE SECRETARY OF EDUCATION AND CULTURE, THE DIRECTOR-GENERAL
OF THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY, THE
DIRECTOR OF THE NATIONAL LIBRARY AND THE CHAIRMAN OF THE
TEXTBOOK BOARD HEREBY REVOKES ITS IMPLEMENTING RESOLUTION
OF SEPTEMBER 20, 1973 AND, IN LIEU THEREOF, ADOPTS THE
FOLLOWING:

SECTION 1. WHAT BOOKS OR MATERIALS MAY BE REPRINTED.

IT IS HEREBY DECLARED THAT ANY EDUCATIONAL, SCIENTIFIC OR
CULTURAL BOOK OR OTHER WRITTEN MATERIAL, WHETHER OF DOMESTIC
OR FOREIGN ORIGIN, SELLING OR TO BE SOLD ABOVE THE CURRENT
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MANILA 08003 01 OF 02 051508Z

OR PROSPECTIVE RETAIL PRICE OF TWENTY PESOS (P20.00) IS

EXORBITANT. CONSEQUENTLY SAID BOOK OR MATERIAL MAY BE REPRINTED BY THE GOVERNMENT OR BY ANY NATURAL OR JURIDICAL PERSON UNDER AUTHORITY OF PRESIDENTIAL DECREE NO. 285, AS AMENDED BY PRESIDENTIAL DECREE NO. 400, IN ORDER TO MAKE THE SAME AVAILABLE AT A COST SUBSTANTIALLY LOWER THAN THE ORIGINALLY QUOTED PRICE.

SECTION 2. CONDITIONS OF REPRINTING. - ANY PERSON DESIRING TO REPRINT MUST COMPLY WITH THE FOLLOWING CONDITIONS:

A) A SINGLE TITLE MAY BE REPRINTED BY ONLY ONE PRINTER;

B) THE REPRINTER SHALL STATE IN A SWORN APPLICATION, THE FORM THEREOF TO BE PROVIDED BY THE NATIONAL LIBRARY, THE FOLLOWING INFORMATION: THE TITLE, AUTHOR AND ORIGINAL PUBLISHER OF THE BOOK OR OTHER WRITTEN MATERIAL TO BE REPRINTED; ITS FOREIGN LIST PRICE IF IT IS A FOREIGN BOOK OR MATERIAL OR DOMESTIC LIST PRICE IF IT IS LOCAL; THE PROPOSED LIST PRICE OF THE REPRINT; THE NUMBER OF COPIES TO BE REPRINTED; AND THE NAME AND ADDRESS OF THE APPLICANT.

SUBSEQUENT REPRINTING MUST BE COVERED BY A SIMILAR APPLICATION.

C) THE COMMITTEE SHALL PASS UPON ALL APPLICATIONS FOR REPRINTING. IF THERE ARE TWO OR MORE APPLICATIONS FOR ONE AND THE SAME TITLE, THE COMMITTEE SHALL AWARD THE AUTHORITY TO REPRINT TO THE APPLICANT WHOSE LIST PRICE IS THE LOWEST; AND IF TWO OR MORE APPLICANTS SUBMIT THE SAME PRICE, THEN THE AUTHORITY TO REPRINT SHALL BE AWARDED TO THE EARLIER OR EARLIEST APPLICATION.

THE COMMITTEE SHALL NOT ACT UPON ANY APPLICATION FOR REPRINTING UNTIL AFTER TWO (2) WEEKS FOLLOWING THE POSTING OF THE APPLICATION IN THE PREMISES OF THE NATIONAL LIBRARY AND THE TEXTBOOK BOARD, AND FOR THIS PURPOSE THE APPLICANT SHALL PROVIDE SUFFICIENT COPIES.

D) WITHIN SIXTY (60) DAYS FROM NOTICE OF THE AUTHORITY TO REPRINT, THE APPLICANT SHALL ACCOMPLISH THE REPRINTING. IF THE REPRINTING SHALL NOT HAVE BEEN DONE IN THAT TIME, UNCLASSIFIED

UNCLASSIFIED

PAGE 03 MANILA 08003 01 OF 02 051508Z

THE TITLE OR TITLES COVERED IN THE AUTHORITY TO REPRINT MAY BE APPLIED FOR BY OTHER INTERESTED PARTIES.

E) THE REPRINTED BOOK OR MATERIAL MUST OBSERVE THE FOLLOWING FORMAT:

1. IN THE MIDDLE PORTION OF THE BACK OF WHAT IS TECHNICALLY KNOWN AS THE "TITLE PAGE" THE NAME AND

COMPLETE MAILING ADDRESS OF THE REPRINTER SHALL APPEAR
ACCORDING TO THE FOLLOWING TYPE AND SIZE OF TYPE, FOR
EXAMPLE, AS FOLLOWS:

REPRINTED UNDER AUTHORITY
OF PRESIDENTIAL DECREE
NO. 285, AS AMENDED BY
P.D. NO. 400, BY (10 PTS. ITALICS)

ABC PRINTING CO. (12 PTS. ROMAN, ALL CAP.)
123 ABAKADA AVENUE ()
STA. CRUZ, MANILA (10 PTS. ROMAN)
PHILIPPINES ()

2. ON THE LOWER PORTION OF THE SAME PAGE, THE FOLLOWING
INSCRIPTION SHALL BE PRINTED IN BOX AND IN 14 PTS. ROMAN,
WITH THE BORDERLINE IN 4 PTS., AS FOLLOWS:

: EXPORT OF THIS BOOK FROM THE :
: PHILIPPINES PUNISHABLE BY LAW :

IF THE MATERIAL REPRINTED IS NOT A BOOK BUT SOMETHING
ELSE, THE WORD "BOOK" MAY BE REPLACED BY THE WORD
"MATERIAL" IN THE BOX;

3. ON THE TITLE PAGE, THE TITLE PAGE OF THE ORIGINVI WORK
WHALL BE REPRODUCED AS GIVEN. IF THE BOOK OR MATERIAL,
AS REPRINTED, IS ABBREVIATED OR EDITED, SUCH FACT SHALL BE
STATED;

4. THE BACK OR REVERSE SIDE OF THE TITLE PAGE SHALL
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 MANILA 08003 01 OF 02 051508Z

CONTAIN THE FOLLOWING:

A. NAME AND ADDRESS OF THE ORIGINAL PUBLISHER FROM
WHICH THE REPRINT VERSION IS TAKEN.

F) IF THE MATERIAL REPRINTED IS NEITHER A BOOK NOR A
PAMPHLET, THE FORMAT REQUIRED IN THE NEXT PRECEDING
SUBSECTION MUST BE DISPLAYED IN SOME PROMINENT SECTION
OF THE MATERIAL.

G) NO BOOK OR MATERIAL REPRINTED PURSUANT TO PRESIDENTIAL
DECREE NO. 285, AS AMENDED, SHALL BE EXPORTED FROM THE
PHILIPPINES AND, FOR PURPOSES OF THE DECREE, ANY SALE OF
SUCH REPRINTED BOOK OR MATERIAL TO A FOREIGNER IN EXCESS
OF PERSONAL USE SHALL BE CONSIDERED AN EXPORT THEREOF.

SECTION 3. AMOUNT OF ROYALTY. - FOR EACH COPY REPRINTED AND SOLD THE REPRINTER SHALL PAY A ROYALTY OF AT LEAST SEVEN PER CENTUM (7 PERCENT) OF ITS DOMESTIC LIST PRICE, IF IT IS A BOOK LOCALLY PUBLISHED, OR AT LEAST TWO PER CENTUM (2 PERCENT) OF ITS FOREIGN LIST PRICE, IF PUBLISHED ABROAD.

SECTION 4. WHEN PUBLISHER, COPYRIGHT OWNER OR AUTHOR MAY COLLECT ROYALTY. - THE REPRINTER SHALL PAY TO THE NATIONAL LIBRARY AT THE END OF EACH MONTH ALL ROYALTIES ACCUMULATED WITHIN THE MONTH, BUT THE PUBLISHER, COPYRIGHT OWNER, OR AUTHOR MAY NOT COLLECT THE ROYALTY UNTIL IT FILES AN AFFIDAVIT OF CLAIM WITH THE NATIONAL LIBRARY, WHICH SHALL NOT BE EARLIER THAN TWELVE (12) MONTHS FROM THE LAST TIME A REPRINTER WHOSE PAYMENTS ARE THE SUBJECT OF THE CLAIM, SHALL HAVE PAID THE NATIONAL LIBRARY.

ROYALTIES SHALL BE FULLY REMITTABLE IN DOLLARS IF DESIRED BY NON-RESIDENT PUBLISHERS AND COPYRIGHT OWNERS.

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 MANILA 08003 02 OF 02 051506Z

44

ACTION EB-11

INFO OCT-01 EA-11 ISO-00 COME-00 L-03 LOC-01 PA-04 PRS-01

USIA-15 CIAE-00 INR-10 NSAE-00 RSC-01 DRC-01 CU-05

HEW-08 /072 W

----- 019900

R 050924Z JUL 74

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 4952

UNCLAS SECTION 2 OF 2 MANILA 8003

SECTION 5. REQUIREMENT AFFECTING BOOKS AND MATERIALS REPRINTED UNDER P.D. NO. 285. - ALL TITLES REPRINTED UNDER PRESIDENTIAL DECREE NO. 285 SHALL BE REGISTERED WITH THE DIRECTOR OF THE NATIONAL LIBRARY, THE REGISTRANT THEREOF PROVIDING THE INFORMATION CALLED FOR UNDER SECTION 1 (B) OF PRESIDENTIAL DECREE NO. 400.

SECTION 6. ROLE OF THE NATIONAL LIBRARY. - THE NATIONAL LIBRARY SHALL KEEP A PUBLIC RECORD OF ALL PAPERS THAT NEED TO BE FILED AND ACCEPT ALL ROYALTY PAYMENTS AND, FOR THIS PURPOSE, THE DIRECTOR SHALL DESIGNATE SUCH PERSONNEL OR UNIT IN HIS OFFICE AS SHALL PERFORM THE TASK. FOR FILING PAPERS, ISSUING COPIES THEREOF AND DETERMINING AND PAYING CLAIMS TO ROYALTIES, THE DIRECTOR MAY REQUIRE THEY PAYMENT OF FEES TO COVER THE SERVICE OR SERVICES RENDERED.

SECTION 7. RESOLUTION OF CONFLICTS. - ANY CONFLICT OR CLAIM ARISING OUT OF THE PROVISIONS OF PRESIDENTIAL DECREE NO285, AS AMENDED, SHALL BE RESOLVED BY THE COMMITTEE COMPOSED OF THE SECRETARY OF EDUCATION AND CULTURE, THE DIRECTOR GENERAL OF THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY, THE DIRECTOR OF THE NATIONAL LIBRARY AND THE CHAIRMAN OF THE TEXTBOOK BOARD. ITS DECISION SHALL BE FINAL UNLESS APPEAL IS MADE TO THE OFFICE OF THE PRESIDENT WITHIN FIFTEEN (15) DAYS FROM DATE OF NOTICE OF THE DECISION.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MANILA 08003 02 OF 02 051506Z

SECTION 8. MEETINGS OF THE COMMITTEE. - THE COMMITTEE SHALL MEET REGULARLY AT LEAST ONCE A MONTH TO PASS UPON APPLICATIONS FOR REPRINTING AND SUCH OTHER MATTERS CONNECTED WITH IMPLEMENTATION. THE TIME AND PLACE OF THE MEETING SHALL BE DESIGNATED BY ITSELF AND, UPON THE CALL OF THE SECRETARY OF EDUCATION OR THE DIRECTOR-GENERAL OF THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY, AT ANY TIME WHEN REQUIRED BY URGENT REASONS.

THE COMMITTEE SHALL DETERMINE THE RULES OF ITS OWN PROCEDURE IN IMPLEMENTING AND ENFORCING THE PROVISIONS OF PRESIDENTIAL DECREE NO. 285, AS AMENDED BY PRESIDENTIAL DECREE NO. 400.

SECTION 9. WITHIN A WEEK FROM THE FIRST SALE OF THE REPRINTED BOOKS OR MATERIALS, THE REPRINTER SHALL DEPOSIT WITH THE NATIONAL LIBRARY TWO (2) COPIES OF EACH TITLE FOR WHICH AUTHORITY TO REPRINT HAD BEEN GRANTED.

SECTION 10. EFFECTIVITY. - THIS IMPLEMENTING RESOLUTION SHALL TAKE EFFECT ON JUNE 28, 1974.

UNQUOTE

2. EMBASSY IS SEEKING CLARIFICATION OF SECTION 4 FROM NATIONAL LIBRARY.
SULLIVAN

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESIDENT, LAW, COPYRIGHT INFRINGEMENTS, COPYRIGHT LAW, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 JUL 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974MANILA08003
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740178-1084
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740773/aaaacklc.tel
Line Count: 274
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 04 OCT 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 OCT 2002 by ThomasVJ>; APPROVED <15 JAN 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COPYRIGHT - STATUS OF PRESIDENTIAL DECREE 400 A) STATE 129989 B) MANILA 7508
TAGS: EIND, RP, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005